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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91193882
Party	Defendant Yablonowski, Tim
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Submission	Answer
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Date	04/02/2010
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEALS BOARD

<i>In re Matter of Application Serial No. 77/756,795 for MCSIPPY</i>  McDONALD’S CORPORATION,  Opposer,  v.  TIM YABLONOWSKI  Applicant.	Opposition No. 91193882  <b>ANSWER TO NOTICE OF OPPOSITION</b>
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Applicant Tim Yablonowski (“Applicant”), by and through its counsel, responds to the Notice of Opposition (“Opposition”) filed by McDonald’s Corporation (“Opposer”) as follows:

1. Applicant lacks sufficient information or belief to admit or deny the allegations contained in the preliminary paragraph of the Opposition, and therefore denies each and every allegation, except Applicant admits that it filed an intent-to-use application, Application Serial No. 77/756,795 on June 10, 2009 and that this application was published for opposition on October 27, 2009.
2. Applicant admits the allegations in paragraph 1 of the Opposition.
3. Applicant lacks sufficient information or belief to admit or deny the allegations contained in paragraph 2 of the Opposition, and therefore denies each and every allegation.
4. Applicant lacks sufficient information or belief to admit or deny the allegations contained in paragraph 3 of the Opposition, and therefore denies each and every allegation.

5. Applicant lacks sufficient information or belief to admit or deny the allegations contained in paragraph 4 of the Opposition, and therefore denies each and every allegation.
6. Applicant lacks sufficient information or belief to admit or deny the allegations contained in paragraph 5 of the Opposition, and therefore denies each and every allegation.
7. Applicant lacks sufficient information or belief to admit or deny the allegations contained in paragraph 6 of the Opposition, and therefore denies each and every allegation.
8. Applicant lacks sufficient information or belief to admit or deny the allegations contained in paragraph 7 of the Opposition, and therefore denies each and every allegation.
9. Applicant lacks sufficient information or belief to admit or deny the allegations contained in paragraph 8 of the Opposition, and therefore denies each and every allegation.
10. Applicant lacks sufficient information or belief to admit or deny the allegations contained in paragraph 9 of the Opposition, and therefore denies each and every allegation.
11. Applicant lacks sufficient information or belief to admit or deny the allegations contained in paragraph 10 of the Opposition, and therefore denies each and every allegation.
12. Applicant lacks sufficient information or belief to admit or deny the allegations contained in paragraph 11 of the Opposition, and therefore denies each and every allegation.
13. Applicant lacks sufficient information or belief to admit or deny the allegations contained in paragraph 12 of the Opposition, and therefore denies each and every allegation.
14. Applicant lacks sufficient information or belief to admit or deny the allegations contained in paragraph 13 of the Opposition, and therefore denies each and every allegation.
15. Applicant lacks sufficient information or belief to admit or deny the allegations contained in paragraph 14 of the Opposition, and therefore denies each and every allegation.

#### **AFFIRMATIVE DEFENSE**

##### ***Failure to State a Claim***

16. Opposer has failed to allege grounds sufficient to sustain the Opposition.

WHEREFORE, Applicant respectfully requests that the Opposition be dismissed with prejudice, and that the application to register the mark MCSIPPY be allowed to issue a registration.

Respectfully submitted,

Dated: April 2, 2010

By: /James A. Italia/  
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*Attorneys for Applicant*

### CERTIFICATE OF TRANSMISSION

I hereby certify that the original of the foregoing Applicant's Answer to Notice of Opposition is being electronically submitted using ESTTA on this 2<sup>nd</sup> day of April 2010.

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*Attorneys for Applicant*

### CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Applicant's Answer to Notice of Opposition is being deposited as first class mail, postage prepaid, in an envelope addressed to Luis M. Lozada, Neal, Gerber, & Eisenberg LLP, Two North LaSalle Street, Suite 1700, Chicago, Illinois 60602-3801, on this 2<sup>nd</sup> day of April 2010.

/James A. Italia/  
James A. Italia